

I am unable to approve the item designated as Section 5, subsection 9, in its entirety, which would appropriate \$100,000 for an elder law program and direct the Department of Elder Affairs to establish a program to provide legal services for elders in cooperation with the Area Agencies on Aging. Area Agencies on Aging are currently required to spend three percent of federal funds received for legal services for elders. And, I have previously approved a \$50,000 supplemental appropriation for contractual services for the elder law education program and funds to continue this program are expected to be approved for fiscal year 1991. In addition, other forms of free legal services for the elderly are available.

I am unable to approve the item designated as Section 6, subsection 11a, second paragraph numbered 2, in its entirety, which reads as follows:

(2) For the provisions of physician care for pregnant women who are not eligible for services under the maternal and child health centers guidelines based upon their income, but whose incomes are between 185 and 300 percent of the poverty guidelines published by the United States department of health and human services:

..... \$ 300,000

The physician services shall be subject to managed care and selective contracting provisions and shall be used to provide treatment of the pregnant women in a physician's office and shall include coverage of diagnostic procedures and prescription drugs required for the treatment. Services provided under this subparagraph shall be reimbursed according to Title XIX reimbursement rates.

This provision would provide prenatal services at no cost to pregnant women whose incomes are between 185 and 300 percent of poverty through the maternal and child health centers. Such services are currently available on a sliding fee scale to women whose incomes exceed 185 percent of poverty. Given the fiscal constraints of the state, I cannot approve funding for this purpose.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2371 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1260

**APPROPRIATIONS AND OTHER PROVISIONS RELATING TO
AGRICULTURE AND NATURAL RESOURCES**

S.F. 2364

AN ACT relating to and making appropriations to the department of agriculture and land stewardship, the Iowa state fair authority, and the department of natural resources, changing the distribution of certain fees, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Section 1.

There is appropriated from the general fund of the state and the trust funds indicated to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

a. From the general fund of the state for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 1,274,018

b. From the fertilizer fund to be transferred to the administration division:

..... \$ 51,147

c. From the dairy trade practice fund to be transferred to the administration division:

..... \$ 96,290

d. From the commercial feed fund to be transferred to the administration division:

..... \$ 51,147

e. Funds appropriated by this subsection are for the salaries and support of not more than the following full-time equivalent positions:

..... FTEs 42.20

f. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a", \$35,000 shall be allocated from the appropriation to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

2. FARM COMMODITY DIVISION

From the general fund of the state for salaries, support, maintenance, miscellaneous purposes, and for the following full-time equivalent positions:

..... \$ 1,097,748

..... FTEs 23.0

3. FARMERS' MARKET COUPON PROGRAM

From the general fund of the state for salaries, support, maintenance, and miscellaneous purposes, to be used by the department to continue and expand the farmers' market coupon program by providing federal special supplemental food program recipients with coupons redeemable at farmers' markets, and for the following full-time equivalent positions:

..... \$ 198,333

..... FTEs 2.50

4. REGULATORY DIVISION

a. From the general fund of the state for salaries, support, maintenance, miscellaneous purposes, and for the following full-time equivalent positions:

..... \$ 4,053,440

..... FTEs 140.20

b. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a", \$3,342 shall be used by the regulatory division for purchase of equipment used to detect sulfamethazine contamination.

5. LABORATORY DIVISION

a. From the general fund of the state for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 858,472

b. From the commercial feed fund to be transferred to the laboratory division:

..... \$ 600,609

c. From the pesticide fund to be transferred to the laboratory division:

..... \$ 662,296

d. From the fertilizer fund to be transferred to the laboratory division:

..... \$ 764,566

*e. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a", \$37,577 shall be used for the support of an assistant attorney general.

f. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a", \$28,000 shall be used to support the position of program planner to perform pesticide case reviews.*

*Item veto; see message at end of the Act

g. Funds appropriated by this subsection are for the salaries and support of not more than the following full-time equivalent positions:

.....	FTEs	84.0
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The amount of full-time equivalent positions allocated under this paragraph "g" may be exceeded, if all of the following conditions are satisfied:

(1) Additional funding other than from the state general fund is available during the fiscal year beginning July 1, 1990, and ending June 30, 1991.

(2) The legislative council is notified of the additional funding and the number of full-time equivalent positions to be increased.

(3) The department of management approves the increase in full-time equivalent positions recommended by the legislative council.

6. SOIL CONSERVATION DIVISION

a. From the general fund of the state for salaries, support, maintenance, assistance to soil conservation districts, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,462,287
.....	FTEs	193.79

b. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a", \$350,000 shall be allocated from the appropriation to support additional soil conservation technicians for field offices. Also as a condition, limitation, and qualification of the appropriation, all documentation relating to employing persons as soil conservation technicians shall be transmitted to the department of personnel and to the department of management by July 1, 1990, and the positions shall commence by July 1, 1990. Persons shall be employed to fill these additional positions by September 1, 1990.

c. To provide financial incentives for soil conservation practices in accordance with paragraph "d":

.....	\$	6,789,972
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d. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "c", the following requirements apply to the funds appropriated by paragraph "c":

(1) Not more than 5 percent may be allocated for cost sharing to abate complaints filed under section 467A.47 and 467A.48.

(2) Not more than 10 percent may be allocated for financial incentives not exceeding 75 percent of the approved cost of permanent soil conservation practices under chapter 467A on watersheds above publicly owned lakes in accordance with the priority list required in 1989 Iowa Acts, chapter 311, section 15.

(3) The soil conservation district commissioners may allocate financial incentives not exceeding 60 percent of the cost of permanent soil conservation practices for special watershed practices or summer construction incentives under section 467A.7, subsections 17 and 19.

(4) Except for the allocations subject to subparagraphs (1), (2), and (3), these funds shall not be used alone or in combination with other public funds to provide a financial incentive payment greater than 50 percent of the approved cost for voluntary permanent soil conservation practices and priority shall be given to family-operated farms.

(5) The soil conservation committee may allocate funds to conduct research and demonstration projects to promote conservation tillage and nonpoint sources pollution control practices.

(6) Not more than 30 percent of a district's allocation may be allocated by the soil conservation district commissioners for the establishment of management practices to control soil erosion on land that is now row cropped.

(7) The financial incentive payments may be used in combination with department of natural resources funds.

e. The provisions of section 8.33 shall not apply to the funds appropriated by paragraph "c". Unencumbered or unobligated funds remaining on June 30, 1994, from funds appropriated for the fiscal year beginning July 1, 1990, shall revert to the general fund on September 30, 1994.

Sec. 2.

There is appropriated from the funds available under section 99D.13 to the regulatory division of the department of agriculture and land stewardship for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as necessary, to be used for the purposes designated:

For the salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions for the administration of section 99D.22:	\$	159,072
.....	FTEs	4.0

Sec. 3.

There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

***1. RURAL REVITALIZATION**

For developing pilot public/private partnerships to assist Iowa producers of agricultural products in the promotion, marketing, and selling of agricultural products to local and regional markets, as provided in section 99E.32, subsection 3, paragraph "i":

.....	\$	250,000*
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2. PILOT LAMB AND WOOL MANAGEMENT EDUCATION PROJECTS

To fund pilot lamb and wool management education projects approved by the department at area schools selected as project sites as provided in section 99E.32, subsection 3, paragraph "m":

.....	\$	250,000
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***Sec. 4.**

*The department shall not make transfers from the funds established in chapter 192A, 198, 200, and 206, to be used for purposes not authorized in those chapters without notifying the chairpersons and ranking members of the agriculture and natural resources appropriations subcommittee in writing prior to the proposed transfer of funds. The notice from the department shall include information concerning the amount of the proposed transfer, the funds affected by the proposed transfer, and the reasons for the proposed transfer. Chairpersons and ranking members notified shall be given at least 2 weeks to review and comment on the proposed transfer before the transfer of funds is made.**

***Sec. 5.**

*For the fiscal year beginning July 1, 1990, and ending June 30, 1991, the increased fee revenues resulting to the fertilizer fund and to the pesticide fund during the fiscal year, from the increases in fees and expansion of coverage of fee requirements, are appropriated for that fiscal year to the department of agriculture and land stewardship for the administration and implementation of chapters 200 and 206.**

Sec. 6.

There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the pseudorabies eradication program:	\$	250,000
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IOWA STATE FAIR AUTHORITY

Sec. 7.

There is appropriated from the general fund of the state to the Iowa state fair authority for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

For capital projects or major maintenance improvements at the Iowa state fairgrounds:	\$	300,000
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As a condition, limitation, and qualification of the appropriation made under this section, \$100,000 shall be allocated from the appropriation to be used only on a matching basis from

*Item veto; see message at end of the Act

private contributions. The name of a private contributor may be associated with any project or improvement upon approval by the Iowa state fair board.

DEPARTMENT OF NATURAL RESOURCES

Sec. 8.

There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. OFFICE OF DIRECTOR

From the general fund of the state for salaries, support, maintenance, miscellaneous purposes, and for the following full-time equivalent positions:

.....	\$	115,891
.....	FTEs	5.95

2. ADMINISTRATIVE SERVICES DIVISION

From the general fund of the state for salaries, support, maintenance, miscellaneous purposes, and for the following full-time equivalent positions:

.....	\$	1,903,642
.....	FTEs	124.15

3. COORDINATION AND INFORMATION DIVISION

From the general fund of the state for salaries, support, maintenance, miscellaneous purposes, and for the following full-time equivalent positions:

.....	\$	788,691
.....	FTEs	42.08

4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

a. From the general fund of the state for salaries, support, maintenance, miscellaneous purposes, and for the following full-time equivalent positions:

.....	\$	1,260,841
.....	FTEs	59.62

5. ENVIRONMENTAL PROTECTION DIVISION

a. From the general fund of the state for salaries, support, maintenance, miscellaneous purposes, and for the following full-time equivalent positions:

.....	\$	2,105,780
.....	FTEs	142.55

6. FISH AND WILDLIFE DIVISION

From the general fund of the state for salaries, support, maintenance, miscellaneous purposes, and for the following full-time equivalent positions:

.....	\$	0
.....	FTEs	332.24

7. FORESTS AND FORESTRY DIVISION

From the general fund of the state for salaries, support, maintenance, miscellaneous purposes, and for the following full-time equivalent positions:

.....	\$	1,581,069
.....	FTEs	55.71

8. PARKS AND PRESERVES DIVISION

a. From the general fund of the state for salaries, support, maintenance, miscellaneous purposes, and for the following full-time equivalent positions:

.....	\$	5,415,886
.....	FTEs	208.05

b. As a condition, limitation, and qualification of the appropriation under paragraph "a", \$30,000 from the appropriation shall be used to support the position of environmental specialist II for the development of preserves management plans.

9. WASTE MANAGEMENT AUTHORITY

a. From the general fund of the state for salaries, support, maintenance, miscellaneous purposes, and for the following full-time equivalent positions:

.....	\$	0
.....	FTEs	11.00

- 10. For reimbursement to federal agencies for cooperative contracts:
 - \$ 185,983
- 11. For the green thumb program for the employment of the elderly in conservation and outdoor recreation related fields in coordination with other agencies as provided by law, and for not more than the following full-time equivalent positions:
 - \$ 230,500
 - FTEs 18.69
- 12. If an amount is expended in excess of the amount designated for any purpose, including any division specified under this section, the department shall notify the legislative fiscal bureau, the chairpersons of the standing appropriations committees of the senate and house of representatives, and the chairpersons of the agriculture and natural resources appropriations subcommittee pursuant to section 8.39.

Sec. 9.

There is appropriated from the state fish and game protection fund to the division of fish and game of the department of natural resources for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. From the state fish and game protection fund for administrative support during the fiscal year beginning July 1, 1990, and ending June 30, 1991:
 - \$ 2,754,472
- 2. From the state fish and game protection fund for the law enforcement bureau of the fish and wildlife division for salaries, support, maintenance, equipment, and miscellaneous purposes during the fiscal year beginning July 1, 1990, and ending June 30, 1991:
 - \$ 4,953,493
- 3. From the state fish and game protection fund for the fisheries bureau of the fish and wildlife division for salaries, support, maintenance, equipment, and miscellaneous purposes during the fiscal year beginning July 1, 1990, and ending June 30, 1991:
 - \$ 4,506,802
- 4. From the state fish and game protection fund for the wildlife bureau of the fish and wildlife division for salaries, support, maintenance, equipment, and miscellaneous purposes during the fiscal year beginning July 1, 1990, and ending June 30, 1991:
 - \$ 5,004,526
- 5. From the state fish and game protection fund for division management of the fish and wildlife division, for salaries, support, maintenance, equipment, and miscellaneous purposes, during the fiscal year beginning July 1, 1990, and ending June 30, 1991:
 - \$ 180,847
- 6. From the fees deposited under section 321G.7 to the fish and game protection fund for enforcement of snowmobile laws as part of the state snowmobile program:
 - \$ 150,000
- 7. From the fees deposited under section 106.52 to the fish and game protection fund for administration and enforcement of navigation laws and water safety:
 - \$ 1,000,000

8. As a condition, limitation, and qualification of the appropriation under this section, if reductions in expenditures are determined to be necessary to avoid a budget deficit in the fish and game protection fund, the department shall take all actions necessary to avoid using license receipts or other income for capitals and acquisitions, unless the Code specifically designates the use. The department shall not reduce personnel until all other actions necessitated by the expenditure reduction are exhausted.

Sec. 10.

There is appropriated from the marine fuel tax fund to the department of natural resources for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. For maintenance and development of boating facilities and access to public waters:
 - \$ 400,000

*Item veto; see message at end of the Act

2. For deposit in the state fish and game protection fund for the administration and enforcement of navigation laws and boat safety:

..... \$ 150,000

As a condition, limitation, and qualification of the appropriations made under this section, the balance of the amount computed as provided in section 324.84 for the fiscal year beginning July 1, 1990, and ending June 30, 1991, is appropriated for the purposes provided in section 324.79, subsections 1, 2, 3, and 5. Notwithstanding section 8.33, the unencumbered or unobligated balances of funds specifically allocated for such projects for the fiscal year ending June 30, 1991, shall revert to the fund from which appropriated on September 30, 1993.

Sec. 11.

The department of natural resources, by October 1, 1990, shall conduct a public hearing in Pocahontas county relating to the possible restoration and preservation of Lizard Lake.

*Sec. 12. LOWHEAD DAM REPAIR.

1. There is appropriated to the department of natural resources for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount or so much thereof as is necessary, to be used for the purpose designated:

For use by the department to transfer immediately to the county board of supervisors of Jones county in order to enter into an agreement with the department to restore and repair a lowhead dam in the county:

..... \$ 50,000

2. The unencumbered or unobligated balance of the appropriation made for the fiscal term as provided under this section shall revert to the state treasury pursuant to section 8.33.*

Sec. 13.

The department of agriculture and land stewardship, in cooperation as necessary with the department of management and the department of personnel, shall provide a list to the legislative fiscal bureau, on a quarterly basis, of all permanent positions added to or deleted from the department's table of organization in the previous fiscal quarter. This list shall include at least the position number, salary range, projected funding source or sources of each position, and the reason for the addition or deletion. The legislative fiscal bureau may use this information to assist in the establishment of the FTE limits contained in the appropriation bill for the department.

Sec. 14.

The department of natural resources, in cooperation as necessary with the department of management and the department of personnel, shall provide a list to the legislative fiscal bureau, on a quarterly basis, of all permanent positions added to or deleted from the department's table of organization in the previous fiscal quarter. This list shall include at least the position number, salary range, projected funding source or sources of each position, and the reason for the addition or deletion. The legislative fiscal bureau may use this information to assist in the establishment of the FTE limits contained in the appropriation bill for the department.

Sec. 15.

The natural resources commission shall establish a priority list of watersheds which are of highest importance based on soil loss to be used for the allocation of funds set aside in the appropriations to the department of agriculture and land stewardship for permanent soil conservation practices, pursuant to section 1, subsection 6, paragraph "d", subparagraph (2) of this Act.

Sec. 16.

Notwithstanding section 17A.2, subsection 7, paragraph "g", the department shall by rule establish prices of plant material grown at the state forest nurseries to cover all expenses related to the growing of the plants.

The department shall develop additional programs to encourage the wise management and preservation of existing woodlands and shall increase its efforts to encourage forestation and reforestation on private and public lands in the state.

*Item veto; see message at end of the Act

The department shall encourage a cooperative relationship between the state forest nurseries and private nurseries in the state in order to achieve these goals.

**Sec. 17.*

*If the department of agriculture and land stewardship or the department of natural resources makes an appropriation transfer between appropriation line-items, the chairpersons and ranking members of the agriculture and natural resources appropriations subcommittee shall be notified in writing prior to the proposed transfer of funds. The notice from the department shall include information concerning the amount of the proposed transfer, the appropriation line-items affected by the proposed transfer, and the reasons for the proposed transfer. Chairpersons and ranking members notified shall be given at least two weeks to review and comment on the proposed transfer before the transfer of funds is made.**

**Sec. 18.*

*The department of natural resources shall provide the legislative fiscal bureau information and financial data by cost center, on at least a monthly basis, relating to the indirect cost accounting procedure, the amount of funding from each funding source for each cost center, and the internal budget system used by the department. The information shall include but is not limited to financial data covering the department's budget by cost center and funding source prior to the start of the fiscal year, and to the department's actual expenditures by cost center and funding source after the accounting system has been closed for that fiscal year.**

Sec. 19.

During the fiscal year for which funds are appropriated by section 8 of this Act, the department of natural resources shall not require the installation or use of equipment to control the emission of dust or other particulate matter on or by facilities for storage of grain which are located within the ambient air quality attainment areas for suspended particulates.

Sec. 20. 1987 Iowa Acts, chapter 233, section 204, subsection 5, as amended by 1989 Iowa Acts, chapter 311, section 21, is amended to read as follows:

5. It is the intention of the general assembly in adopting the appropriation under subsection 1 and this subsection to cease funding for the department's implementation of the federal Resource Conservation and Recovery Act permit program for hazardous waste facilities in this state. Section 455B.411, subsections 6, 9, and 10, section 455B.412, subsections 2 through 4, and sections 455B.413 through 455B.421 are suspended and do not apply as they pertain to that permit program, but are not suspended and do apply as they pertain to abandoned and uncontrolled sites, used oil, and site licensing under chapter 455B, division IV, part 6. The suspension provided by this subsection begins July 1, 1987 and ends June 30, ~~1990~~ 1994.

Sec. 21. Section 29C.8A, subsection 1, Code 1989, is amended to read as follows:

1. An emergency response fund is created in the state treasury. The first one hundred thousand dollars received annually by the treasurer of state for the civil penalties and fines imposed by the court pursuant to sections 455B.146, 455B.191, 455B.386, 455B.417, 455B.454, 455B.466, and 455B.477 shall be deposited in the ~~general waste volume reduction and recycling fund of the state created in section 455D.15~~. The next hundred thousand dollars shall be deposited in the emergency response fund and any additional moneys shall be deposited in the household hazardous waste account. All moneys received annually by the treasurer of the state for the fines imposed by sections 716B.2, 716B.3, and 716B.4 shall also be deposited in the emergency response fund.

**Sec. 22. 1989 Iowa Acts, chapter 311, section 9, subsection 4, unnumbered paragraph 1, is amended to read as follows:*

County boards of supervisors of Jones, Lyon, Jasper, or Buena Vista counties may each enter into an agreement with the department of natural resources to restore and repair lowhead dams within their counties. The department shall use moneys appropriated to the county conservation account of the Iowa resources enhancement and protection fund under section 455A.19,

subsection 1, paragraph "b", subparagraph (3), as provided in 1989 Iowa Acts, House File 769. Under an agreement, Jones county is eligible to receive \$50,000, Lyon county is eligible to receive \$50,000, Jasper county is eligible to receive \$25,000, and Buena Vista is eligible to receive \$25,000.*

Sec. 23.

There is appropriated from the fees deposited in the portion of the solid waste account of the groundwater protection fund pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (2), subparagraph subdivision (d), subparagraph subdivision part (ii), which were deposited prior to July 1, 1990, to the Iowa center for applied research in metal casting at the university of northern Iowa, the following amount, or so much thereof as is necessary, to be used to conduct a feasibility study to determine the economic and technical feasibility of thermoreclamation of foundry sand. The study shall include an evaluation of the types of foundry sand in Iowa, an economic analysis of thermoreclamation of foundry sand, and the environmental benefits and acceptability of thermoreclamation of foundry sand:

..... \$ 130,000

Sec. 24. Section 206.33, Code Supplement 1989, is amended to read as follows:

206.33 DAMINOZIDE — PROHIBITION.

A person shall not offer for sale, sell, purchase, apply, or use a pesticide containing daminozide in this state if the pesticide is sold, purchased, applied, or used for purposes of enhancing or improving a product produced to be consumed.

Sec. 25. Section 455B.304, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this chapter regarding the requirement of the equipping of a sanitary landfill with a leachate control system and the establishment and continuation of a postclosure account, the department shall adopt rules which provide for an exemption from the requirements to equip a sanitary landfill with a leachate control system and to establish and maintain a postclosure account if the sanitary landfill operator is a public agency, if the sanitary landfill has closed or will close by July 1, 1992, and will no longer accept waste for disposal after that date, and if at the time of closure of the sanitary landfill monitoring of the groundwater does not reveal the presence of leachate. The rules may require postclosure groundwater monitoring and shall establish the requirements for the implementation of leachate collection and control in cases in which leachate is found during postclosure monitoring. The rules shall provide for a closure completion period following the date of closure of a sanitary landfill. Notwithstanding the provisions of this paragraph, the public agency shall retain financial responsibility for closure and postclosure requirements applicable to sanitary disposal projects.

Sec. 26. NEW SECTION. 455B.500 WASTE MANAGEMENT RESEARCH BY PERSONS IN CONJUNCTION WITH INSTITUTIONS OF HIGHER EDUCATION.

A person acting in conjunction with a private college, community college, or state board of regents' institution, to conduct research relating to waste management, on private property, or on property in which a city or county holds an interest, shall notify the department in writing. The person is not required to obtain authorization, including but not limited to a permit, by the department for one hundred twenty days after submitting the notice. After the end of the one hundred-twenty-day period the department shall conduct an evaluation of the permit status of the research and may determine whether a permit ought to be issued or modified before the research continues.

Sec. 27. Section 455E.11, subsection 2, paragraph a, subparagraph (8), Code Supplement 1989, is amended by striking the subparagraph and inserting in lieu thereof the following:

(8) The first fifty cents per ton of funds received from the tonnage fee imposed for the fiscal year beginning July 1, 1990, and thereafter shall be used for the following:

*Item veto; see message at end of the Act

(a) Twenty cents per ton of the amount allocated under this subparagraph is appropriated to the university of northern Iowa to develop and maintain the Iowa waste reduction center for the safe and economic management of solid waste and hazardous substances established at the university of northern Iowa.

(b) Thirty cents per ton of the amount allocated under this subparagraph is appropriated to the department of natural resources for the following purposes:

(i) Eight thousand dollars of the amount allocated under this subparagraph shall be transferred to the Iowa department of public health for carrying out the departmental duties pursuant to section 135.11, subsections 20 and 21, and section 139.35.

(ii) The administration and enforcement of a groundwater monitoring program and other required programs which are related to solid waste management.

(iii) The development of guidelines for groundwater monitoring at sanitary disposal projects as defined in section 455B.301, subsection 13.

(iv) The waste management authority of the department of natural resources.

Sec. 28. Section 455E.11, subsection 2, paragraph c, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

A household hazardous waste account. The moneys collected pursuant to section 455F.7 and moneys collected pursuant to section 29C.8A which are designated for deposit, shall be deposited in the household hazardous waste account. ~~Except for the first one hundred thousand dollars received annually for deposit in the waste volume reduction and recycling fund to be used by the department to provide financial assistance to counties in investigation of complaints; and the next one hundred thousand dollars received annually for deposit in the emergency response fund, the treasurer of state shall deposit moneys received from civil penalties and fines imposed by the court pursuant to sections 455B.146, 455B.191, 455B.386, 455B.417, 455B.454, 455B.466, and 455B.477, in the household hazardous waste account.~~ Two thousand dollars is appropriated annually to the Iowa department of public health to carry out departmental duties under section 135.11, subsections 20 and 21, and section 139.35, eighty thousand dollars is appropriated to the department of natural resources for city, county, or service organization project grants relative to recycling and reclamation events, and eight thousand dollars is appropriated to the department of transportation for the period of October 1, 1987, through June 30, 1989, for the purpose of conducting the used oil collection pilot project. The remainder of the account shall be used to fund Toxic Cleanup Days programs, education programs, and other activities pursuant to chapter 455F, including the administration of the household hazardous materials permit program by the department of revenue and finance.

Sec. 29. Section 467A.48, subsection 1, Code Supplement 1989, is amended to read as follows:

1. An owner or occupant of land in this state is not required to establish any new permanent or temporary soil and water conservation practice unless public or other cost-sharing funds have been specifically approved for that land and actually made available to the owner or occupant. The amount of cost-sharing funds made available shall not exceed ~~seventy-five~~ fifty percent of the estimated cost as established by the commissioners of a permanent soil and water conservation practice, or ~~seventy-five~~ fifty percent of the actual cost, whichever is less, or an amount set by the committee for a temporary soil and water conservation practice, except as otherwise provided by law with respect to land classified as agricultural land under conservation cover. The commissioners shall establish the estimated cost of permanent soil and water conservation practices in the district based upon one and two-tenths of the average cost of the practices installed in the district during the previous year. The average costs shall be reviewed and approved by the commissioners each calendar year.

Sec. 30.

Notwithstanding section 8.33, the moneys appropriated in 1989 Iowa Acts, chapter 311, section 5 that remain unencumbered and unobligated on June 30, 1990, shall not revert to the general fund but shall remain available for expenditure for the purposes designated during the fiscal year beginning July 1, 1990 and ending June 30, 1991.

Sec. 31.

Sections 21, 23, 24, 26, and 28 of this Act, being deemed of immediate importance, take effect upon enactment.

Approved April 5, 1990, except those items which I hereby disapprove and which are designated as section 1, subsection 5, paragraphs e and f in their entirety; section 3, numbered paragraph 1 in its entirety; section 4 in its entirety; section 5 in its entirety; section 8, subsection 8, paragraph b in its entirety; section 9, subsection 8 in its entirety; section 12 in its entirety; section 17 in its entirety; section 18 in its entirety; and section 22 in its entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the president of the senate this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

Dear Madam President:

I hereby transmit Senate File 2364, an Act relating to and making appropriations to the department of agriculture and land stewardship, the Iowa state fair authority, and the department of natural resources, changing the distribution of certain fees, and providing an effective date.

Senate File 2364 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 1, subsection 5, paragraphs e and f, in their entirety. Paragraph e calls for a \$37,577 appropriation for the support of an assistant attorney general. This position should be funded from pesticide receipts, not general fund dollars. Paragraph f earmarks funding for a planner to review pesticide cases and this should also be funded by pesticide receipts.

I am unable to approve the item designated as Section 3, numbered paragraph 1, in its entirety. This item calls for a \$250,000 appropriation to be used to develop public/private partnerships to assist in the promotion, marketing, and selling of agricultural products. The Department of Economic Development is charged with this very same duty and the Department of Agriculture and Land Stewardship should work with the Department of Economic Development to prevent duplication.

I am unable to approve the item designated as Section 4, in its entirety. This section would require the Department of Agriculture and Land Stewardship to notify the chairpersons and ranking members of the Agriculture and Natural Resources Appropriations Subcommittee regarding fund transfers from dairy trade practices, the commercial feed fund, the fertilizer fund and the pesticide fund. This language is unnecessary, for Section 8.39 of the Code specifies the use of these funds.

I am unable to approve the item designated as Section 5, in its entirety. This section would allow the Department to spend increased revenues from potential fee increases in the fertilizer and pesticide funds for the administration and implementation of Chapters 200 and 206. These funds should be authorized through the appropriation process.

I am unable to approve the item designated as Section 8, subsection 8, paragraph b, in its entirety, which calls for a \$30,000 appropriation to be used to support the position of Environmental Specialist II for the development of preserves management plans. This task can be handled by the Department of Natural Resources within their existing budget.

I am unable to approve the item designated as Section 9, subsection 8, in its entirety. This item would require the Department to take all actions necessary to avoid using license receipts or other income for capitals and acquisitions unless the Code specifically designates the use. The Department would not be able to reduce personnel until all other actions necessitated by the expenditure reduction are exhausted. This could require the Department to turn back federal dollars for lack of a state match.

I am unable to approve the item designated as Section 12, in its entirety. This section appropriates \$50,000 to restore and repair a lowhead dam in Jones County. Several counties in the state have requested appropriations to pay for repairs of lowhead dams and the Resource Enhancement and Protection Act funds may be used for this purpose. Given the state's reduced revenues, I cannot approve this general fund expenditure.

I am unable to approve the item designated as Section 17, in its entirety. This section is ambiguous and is unnecessary, for the Department of Management currently notifies the chairpersons and ranking members of proposed transfer of funds.

I am unable to approve the item designated as Section 18, in its entirety. In lieu of divisional appropriations, this language was added to fiscal year 1990's appropriation bill. Senate File 2364 now includes divisional appropriations and this additional report is no longer necessary.

I am unable to approve the item designated as Section 22, in its entirety. This section eliminates Jones County from the list of four counties who were allowed to borrow ahead on their REAP allocations. Since I have vetoed Section 12 of this bill, there is no need for this section.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2364 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1261

**APPROPRIATIONS AND OTHER PROVISIONS RELATING TO
STATE REGULATORY AGENCIES AND THE PUBLIC DEFENDER**

S.F. 2328

AN ACT relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and affecting certain regulated entities, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1.

There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,036,602
.....	FTEs	154.50